



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]

DECISION

SSP/145860

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 11, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access And Accountability in regard to State Supplemental SSI benefits, a hearing was held on January 29, 2013, at Kenosha, Wisconsin.

The issue for determination is whether the Division of Health Care Access and Accountability (DHCAA) correctly determined Petitioner's State SSI benefit.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

Also present was the Fair Hearing Representative for Kenosha County, Karen Mayer.

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. Petitioner received \$83.78 per month in State SSI benefits. (Petitioner's testimony; Exhibit 3)
3. Petitioner does not live in a substitute care facility or residential treatment facility. (Petitioner's testimony)

4. Petitioner lives independently and does not have a spouse. (Petitioner's Testimony)
5. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on December 11, 2012. (Exhibit 1)

### **DISCUSSION**

Petitioner filed a request for fair hearing because she is having difficulty making ends meet on her very limited income and is struggling to get by. Petitioner hoped to obtain an increase in her State SSI payment. However, she is already receiving the maximum benefit.

The purpose of State Supplemental Security Income (SSI) is to provide a cash supplement to all Wisconsin residents who receive federal SSI. State SSI payments are authorized by state statute at Wis. Stats. Ch. 49.77 and 49.775. *SSI Administration Handbook §1.1.1*

Payment levels for the state SSI Supplement are based on a combination of factors, including:

- Marital status.
- Living arrangement.
- Income.

*SSI Administration Handbook §1.1.1*

The state SSI Supplement, unlike federal SSI, is not indexed annually to reflect a cost of living adjustment. State SSI payment levels are found in 4.1.7 SSI Payment Levels.

Per policy, the current maximum SSI Payment Level for an eligible individual, living independently is \$83.78. *SSI Administration Handbook §4.1.7*

### **CONCLUSIONS OF LAW**

The DHCAA correctly determined Petitioner's SSI payment level.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

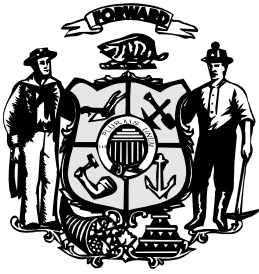
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 11th day of February, 2013.

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\sMayumi M. Ishii  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on February 11, 2013.

Division of Health Care Access And Accountability  
State SSI